

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
JULY 8, 2004

_____ ACTION/DECISION

 X INFORMATION

- I. **TITLE:** Administrative and Consent Orders issued by Environmental Quality Control
- II. **SUBJECT:** Administrative and Consent Orders issued during the period April 1, 2004, through May 31, 2004.
- III. **FACTS:** For the period April 1, 2004, through May 31, 2004, Environmental Quality Control issued fifty-six (56) Consent Orders with total assessed civil penalties in the amount of \$290,327.50. There were ten (10) Administrative Orders placed in force during this reporting period with total assessed civil penalties of \$78,600.00.

Unless otherwise specified, "Previous Orders" as listed in this report include the orders issued by Environmental Quality Control programs within the last five (5) years.

Bureau	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
Land & Waste Management				
Hazardous Waste	0	\$ 0	3	\$ 437.50
Solid Waste	0	0	2	14,600
UST Program	7	53,100	0	0
SUBTOTAL	7	\$53,100	5	\$ 15,037.50
Water				
Drinking Water	3	\$25,500	18	\$ 12,840
Water Pollution	0	0	22	179,150
SUBTOTAL	0	\$25,500	40	\$ 191,990
Air Quality				
SUBTOTAL	0	\$ 0	12	\$ 83,300
TOTAL	10	\$78,600	*56	\$ 290,327.50

***Solid Waste Enforcement and Water Pollution Enforcement are each credited with an order in the table for one multi-media order, which totals 57. The actual number of orders issued is 56.**

ANALYSIS: During the reporting period, Hazardous Waste Enforcement issued a Consent Order against a Respondent that manufactures chassis for freight containers. The Consent Order cited the Respondent for numerous hazardous waste container management violations, failure to make an accurate hazardous waste determination, and failure to ensure that facility personnel take part in an annual review of initial hazardous waste management training. The Consent Order also included a civil penalty totaling \$61,599.00. The Respondent claimed a financial hardship and an inability to pay a civil penalty. Based upon a complete review of the Respondent's financial records, the Department suspended the civil penalty. The Respondent was evicted from the property where the violations occurred; however, the property was subsequently purchased and the purchaser resolved all of the environmental issues associated with the Respondent's operation.

Water Pollution Enforcement issued two Consent Orders with civil penalties totaling \$21,600.00 against the same commercial wastewater company for exceeding permitted discharge limits. One order cited the Respondent for exceeding biochemical oxygen demand and ammonia-nitrogen limits at a wastewater treatment facility serving a residential neighborhood. The Respondent has agreed to upgrade the facility from a lagoon system to an activated sludge plant for a higher level of treatment of the wastewater. The other order cited the Respondent for exceeding ammonia-nitrogen, flow, and fecal coliform limits at a wastewater treatment facility serving an apartment complex. The Respondent has made the necessary maintenance repairs, and no violations have occurred since May of 2003.

Air Quality Enforcement issued a Consent Order with a civil penalty totaling \$10,000.00 against a State University for failure to submit a complete application for renewal of its Title V Operating Permit, failure to submit an accurate Title V Annual Compliance Certification (TVACC), and failure to submit quarterly reports as required by its permit. The Respondent has submitted the quarterly reports, a corrected and revised TVACC, and a complete application for renewal of its Title V Operating Permit.

Of the fifty-six (56) consent orders issued by EQC enforcement programs during the reporting period, the enforcement programs report, to date, that forty-nine (49) Respondents have either complied with all requirements of the orders or are currently in compliance with schedules required in those orders.

Submitted by:

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Deputy Commissioner
Environmental Quality Control